THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9840 of 2007

Dated: 01.05.2007

Between:

B. Narayana.

.... PETITIONER

AND

The APSRTC, rep. by its
Depot Manager, Nizamabad-II Depot,
Nizamabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9840 of 2007

Order:

The petitioner is employed as a Conductor in APSRTC. He was issued a charge sheet dated 02.02.2007, alleging that while conducting the bus on route Hyderabad to Nizamabad on 23.12.2006, due to his negligence the ticket tray box worth of tickets Rs.21,518/- was lost, which caused inconvenience to bus passengers and loss of revenue to the Corporation. The petitioner submitted his explanation denying the said charge. After considering the said explanation, the present impugned order was passed seeking to recover an amount of Rs.18,418/- towards face value of the tickets from the salary of the petitioner in 31 instalments. Aggrieved by the same, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the respondent-Corporation, without considering the explanation submitted by the petitioner and without conducting any enquiry, passed the impugned orders, determining the amount of loss of tickets by its face value, which is contrary to law. He further submits that the respondent-Corporation is not entitled to recover the face value of the tickets lost from the salary of the petitioner, but they are entitled to recover only the cost of the paper and printing charges of the tickets, and in support of this contention, he relied on a decision of this Court reported in ***Ch.P. Reddy v. APSRTC, Hyderabad***[1].

On the other hand, learned Standing Counsel for the respondent-Corporation also fairly conceded that the impugned order was passed, without conducting any enquiry. It is also not denied by the learned Standing Counsel for the respondent-Corporation that in case if any Conductor reports loss of tickets tray, the pecuniary loss sustained by the Corporation can be recovered from him, but not the face value of the tickets lost. He, however, submits that the Corporation is at liberty to recover the cost of paper and printing charges of tickets lost.

At this stage, both the counsel agreed to set aside the impugned

order and dispose of the writ petition with a direction to the respondent-Depot Manager to reconsider the whole issue.

Having regard to the fact that the impugned order was passed without considering the explanation submitted by the petitioner and without conducting any enquiry, and having regard to the agreed stand taken by both the counsel, I am of the considered view that the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned order dated 26.02.2007 is set aside. The respondent-Depot Manager is directed to reconsider the whole issue, by taking into consideration the explanation, said to have been submitted by the petitioner to the charge sheet, and also the judgment of this Court reported in ***Ch.P. Reddy v. APSRTC, Hyderabad*** (1 supra), and pass appropriate orders in accordance with law. No costs.

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N.V. RAMANA, J.

Date: 01.05.2007
Note:
Issue CC on priority basis
(B/o)
Nsr

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